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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MITCHELL ENGINEERING,

No. C 08-04022 SI

Plaintiff,

**ORDER RE: DEFENDANT'S MOTION  
FOR LEAVE TO FILE MOTION FOR  
RECONSIDERATION**

v.  
CITY AND COUNTY OF SAN FRANCISCO,  
et al.,

Defendants.

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The City has filed a motion for leave to file a motion for reconsideration of the Court's April 13, 2010 order granting in part and denying in part the City's motion to compel the production of emails from 25 Mitchell custodians. In that order, the Court denied the City's motion as to 21 custodians whose emails Mitchell stated it had already produced or was in the process of producing. The Court directed the parties to meet and confer regarding the scope of the City's proposed search terms with respect to the remaining 4 custodians.

The City now seeks leave to file a motion for reconsideration in order to clarify certain facts which it contends the Court misunderstood in issuing the April 13 order. The City asserts that Mitchell has actually only produced emails from 14 custodians in connection with the *Central* case, and has not produced or agreed to produce any emails in response to the specific search terms proposed in this case. The City requests that all 25 custodians be included in the meet and confer ordered by the Court. The City intends to propose one set of search terms for the 14 custodians who have been subject to some production in the *Central* case, and a second set of terms for the remaining 11 custodians who have not been subject to any production. The City asserts that it will not seek production of any emails that have

1 already been produced in the *Central* case.

2 Having considered the papers submitted, the Court DENIES the City's motion for leave to file  
3 a motion for reconsideration and AMENDS its April 13, 2010 Order as follows:

4 The parties' time to meet and confer regarding email production is extended to May 13, 2010.  
5 During the meet and confer, the parties should discuss the scope of the search terms the City had  
6 proposed as of April 13, 2010 with respect to all 25 custodians, with the limitation that the City may not  
7 seek production of emails on topics with respect to which emails have already been produced in the  
8 *Central* case.

9  
10 **IT IS SO ORDERED.**

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12 Dated: May 4, 2010



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13 SUSAN ILLSTON  
14 United States District Judge